

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**UNITED STATES OF AMERICA §
§
VS. § AU:16-CR-00260 -LY
§
OSCAR MALDONADO (2) §**

JOINT/AGREED MOTION FOR CONTINUANCE

Defendant, **OSCAR MALDONADO**, by and through his attorney of record, Gerardo S. Montalvo, files this Unopposed Joint Motion for Continuance. In support thereof, defendant shows the following:

I.

Mr. Maldonado is charged by indictment with Conspiracy to Possess with Intent to Distribute Methamphetamine, in violation of Title 21, United States Code, Sections 841, and 846.

A pretrial conference, motions and docket call is set for November 28, 2016 with a jury selection and trial scheduled for December 5, 2016.

II.

Pursuant to conversations with the government, the discovery materials in this case are voluminous and will be produced in electronic format. Therefore, time is needed to produce an electronic storage device to the government so that the materials may be copied and transferred to the portable devices and produced to all of the defendants.

Defendant therefore requests a continuance so that counsel may have the opportunity to receive and review all materials in this case and review the materials with the defendant. Further additional time is needed determine what pretrial motions, if any, may be necessary, and prepare for trial in this case.

Defendant seeks this continuance not simply for delay, but so that justice may be done, in accordance with his right to effective assistance of counsel as guaranteed by the 6th Amendment to the United States Constitution.

Defendant believes that failure to grant such a continuance in the proceeding would result in a miscarriage of justice. As such, defendant respectfully requests this court enters an order finding excludable time under the Speedy Trial Act as found in Title 18, United States Code, Sections 3161, et seq., for the reason, summarily stated, that the ends of justice outweigh the best interests of the public and the defendant in a speedy trial as the same is specifically defined in the aforesaid Act. The defendant states further that the factors to be considered in this motion in making the findings requested are included in the aforesaid Act in Section 3161, paragraph (h).

For these reasons, Mr. Maldonado respectfully requests this court grant a continuance of the trial date in this matter and extend all pretrial deadlines. Due to counsel's trial schedule and the voluminous nature of the discovery in this case, counsel requests that the trial date be continued until April or May of 2017, whichever may be convenient for the court.

III.

Counsel has conferred with Assistant United States Attorney Dan Guess who advised he is ***unopposed to this motion***. Counsel has also conferred with:

Kristin Etter, attorney for Jorge Arli Arellano;
Gustavo Garcia, Jr. Attorney for Pedro Carbajal;
Richard Hoffman, attorney for Julio Rogel;
Hermes E. Flores, attorney for Jaime Carbajal;
Jon Evans, attorney for Jose Daniel Duenas;
Bernard Campion, attorney for Javier Alvarez;
Armando G. Martinez, attorney for Hugo Maya-Rodriguez; and
Franklin Gordon Bynum, attorney for Omar Rogel,
and ***all advised they were unopposed to this motion for continuance and join in it's filing***.

WHEREFORE PREMISES CONSIDERED, defendant respectfully requests that the trial in this matter be continued for a period of at least one hundred and thirty (130) days and extend all pretrial deadlines in accordance with the new trial date.

Respectfully Submitted,

By: /s/ Gerardo S. Montalvo
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF CONFERENCE

Counsel has conferred with Assistant United States Attorney Dan Guess who advised he is ***unopposed to this motion.*** Counsel has also conferred with: Kristin Etter, attorney for Jorge Arli Arellano; Gustavo Garcia, Jr. Attorney for Pedro Carbajal; Richard Hoffman, attorney for Julio Rogel; Hermes E. Flores, attorney for Jaime Carbajal; Jon Evans, attorney for Jose Daniel Duenas; Bernard Campion, attorney for Javier Alvarez; Armando G. Martinez, attorney for Hugo Maya-Rodriguez; and Franklin Gordon Bynum, attorney for Omar Rogel, and ***all advised they were unopposed to this motion for continuance and join in it's filing.***

GERARDO S. MONTALVO

CERTIFICATE OF SERVICE

By my signature below, I do hereby certify that a true and correct copy of the above and foregoing instrument was served on all known filing users by electronic mail via ECF/NEF and via U.S. First Class Mail and/or hand delivery to all other counsel of record on November 15, 2016.

GERARDO S. MONTALVO